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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,229	09/24/2004	Akira Kuramori	OGW-0333	1787

23353 7590 07/13/2006

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EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/509,229	KURAMORI ET AL.	
	Examiner	Art Unit	
	Jason R. Bellinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Upon review of the previous Office Action, it was noted that claims 7-9 were inadvertently not treated in the prior art rejection or indicated as being potentially allowable. Therefore, the finality of the previous Office Action has been removed, and all pending claims are treated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite due to the fact that it is unclear how the annular shell can include a support surface that is "formed radially outwardly of the annular shell" or two leg portions "formed radially inwardly of the annular shell". It is unclear how the annular shell can include portions that are located radially inwardly or outwardly of itself. As best understood from the drawings and specification, it is believed that the phrases set forth above should be replaced with the phrases --formed on the radially outwardly facing surface-- and --extending radially inwardly from the annular shell--, respectively, in order to more clearly define the invention.

Claim 4 is indefinite due to the fact that it is unclear how the run-flat support member can include a support surface that has two edges "formed radially outwardly of

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the run-flat support member". It is unclear how the run-flat support member can include portions that are located radially outwardly of itself. As best understood from the drawings and specification, it is believed that the phrase set forth above should be replaced with the phrase --provided on the radially outwardly facing surface-- in order to more clearly define the invention.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glintz et al (JP 10-297226) in view of Hammond et al. As best understood, Figure 3 of Glintz et al shows a wheel assembly including a wheel with a rim 23 and a pneumatic tire 9 with a tread surface and a hollow space mounted on the rim 23. A run-flat support member 20 is disposed in the hollow space, and includes an annular shell 2 and elastic rings (21-22). The annular shell 2 includes a support surface "formed radially outward" (i.e. formed on the radially outwardly facing surface) and includes a convexly curved surface portion (5-6) with an annular apical line or face. A pair of leg portions are "formed radially inward" (i.e. extending radially inwardly from the annular shell), with the elastic rings (21-22) supporting the leg portions on the rim 23.

Glintz et al does not show the tread surface including a circumferential groove extending in the circumferential direction of the tire. In Figure 2, Hammond et al teaches

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the use of a tire 10 having a tread surface with a circumferential groove 90 that extends in the circumferential direction of the tire 10. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the tread surface of Glintz et al with a circumferential groove for the purpose of increasing the traction capabilities of the tire, which would increase the handling and control of a vehicle.

The apical line or face of the convexly curved surfaces (5-6) of Glintz et al is offset axially with respect to the center axis of rotation of the wheel, so that the apical line or face would not be located in a position that radially corresponds to the circumferential groove 90 of Hammond et al (since area 37 of the tire of Hammond et al would extend into the concave portion 8 of the run-flat support of Glintz et al). This would prevent the tire from lateral shifting when running in an under-inflated condition, preventing the tire from possibly separating itself from the wheel rim during run-flat operation, and thus preventing undue damage to the wheel and/or vehicle and adversely affecting the driving and handling characteristics of the vehicle.

Allowable Subject Matter

6. Claims 2-3 and 5-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments, filed 13 June 2006, with respect to the rejection(s) of claim(s) 2-3 and 5-6 under Glintz et al and Hammond et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the aforementioned references.

The Applicant argues that the claims (specifically claims 1 and 4) should not have been rejected under 35 USC 112, 2nd paragraph, stating that the patentee may be his own lexicographer. The Applicant then states that the specification clearly sets forth the definition of the phrases "formed radially outwardly of the annular shell" and "two leg portions formed radially inwardly of the annular shell". However, it should be noted that the description may be used to define *terms* used in the claims, not entire phrases.

It should be noted that the aforementioned phrases do not correspond to the pertinent descriptions in the specification. The phrases are not "clear and concise" as required by 35 USC 112, 2nd paragraph.

8. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

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reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the Applicant argues that neither Glintz et al nor Hammond et al disclose the desirability of the limitations set forth in the claims. It should be noted that both references include elements capable of supporting a tire in the event of an under-inflated or flat condition. Namely, Glintz et al includes the run-flat support member 20 while Hammond et al includes the reinforced area 37. Therefore, both references share a common purpose.

Furthermore, it is well known in the art that treads formed on the outer peripheral surface of a tire increases the traction capabilities of that tire. Glintz et al does not disclose or show the tire having a tread groove. One of ordinary skill in the art would be motivated to provide the tire of Glintz et al with a tread groove (as shown and taught by Hammond et al) for the purposes set forth in paragraph 5 above.

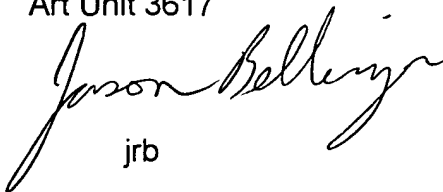
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger
Examiner
Art Unit 3617



jrb



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